

AMENDED IN SENATE JULY 18, 2007

AMENDED IN SENATE JULY 2, 2007

AMENDED IN ASSEMBLY APRIL 12, 2007

AMENDED IN ASSEMBLY MARCH 19, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 18

Introduced by Assembly Member Blakeslee

December 4, 2006

An act to amend Section 354.5 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 18, as amended, Blakeslee. ~~Disabled persons: signature stamps.~~
Signature stamps: authorized users.

Existing law provides that, when a signature is required for any purpose specified in the Elections Code, a person who cannot write may satisfy that requirement by the use of a mark if certain conditions are met.

This bill would provide, in addition, that a person with a disability, as defined, who, by reason of the disability, is unable to write may use a signature stamp, or authorize another person to use the stamp, to serve as his or her signature for any purpose specified in the Elections Code. The bill would require that a signature affixed with a signature stamp pursuant to these provisions be treated in the same manner as a signature made in writing. It would impose certain conditions on the use of signature stamps, including a condition that the signature stamp be used in the presence of the Secretary of State, local elections officials, or

their designees that require or request the signature and a condition that the owner of the signature stamp present valid identification, as specified: *to obtain a ballot.*

The bill would prohibit the use of a signature stamp on a ballot, or to obtain a *an absentee* ballot, in any local, state, or federal election unless the person *is the authorized user of the signature stamp and* has registered the signature stamp with the Secretary of State.

The bill would also require the Secretary of State to develop a registry for signature stamps and to adopt regulations relating to the registration and verification of signature stamps and the use of signature stamps on ballots and absentee ballots.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 354.5 of the Elections Code is amended
- 2 to read:
- 3 354.5. (a) “Signature” includes either of the following:
- 4 (1) A person’s mark if the name of the person affixing the mark
- 5 is written near the mark by a witness over the age of 18 years
- 6 designated by the person and the designee subscribes his or her
- 7 own name as a witness thereto.
- 8 (2) An impression made by the use of a signature stamp pursuant
- 9 to the requirements specified in subdivision (c).
- 10 (b) A mark attested as provided in paragraph (1) of subdivision
- 11 (a), or an impression made by a signature stamp as provided in
- 12 paragraph (2) of subdivision (a), may serve as a signature for any
- 13 purpose specified in this code, including a sworn statement.
- 14 ~~(c) In addition to the requirements in subdivisions (d) to (f),~~
- 15 ~~inclusive, and notwithstanding any other provision of law, the~~
- 16 ~~following provisions apply with respect to the use of a signature~~
- 17 ~~stamp:~~
- 18 ~~(1) An authorized user may use a signature stamp to affix a~~
- 19 ~~signature to a document or writing any time that a signature is~~
- 20 ~~required by this code.~~
- 21 ~~(2) A signature affixed with a signature stamp by an authorized~~
- 22 ~~user in accordance with the requirements of this section shall be~~
- 23 ~~treated in the same manner as a signature made in writing.~~

1 ~~(d) If the requirement that a document or writing be signed~~
2 ~~under this code is accompanied by any additional qualifying~~
3 ~~requirement, subdivision (c) shall apply only if each additional~~
4 ~~qualifying requirement is satisfied.~~

5 ~~(e) A person may not use a signature stamp under this code~~
6 ~~unless the following requirements are met:~~

7 ~~(1) The person is an authorized user of that signature stamp.~~

8 ~~(2) The person uses the signature stamp in the presence of the~~
9 ~~Secretary of State, his or her designee, the local elections official,~~
10 ~~or his or her designee that requires or requests the signature in the~~
11 ~~execution of the writing or document required under this code.~~

12 ~~(3) The owner of the signature stamp presents valid~~
13 ~~identification as proof of his or her identity to ensure that the person~~
14 ~~using or authorizing the use of the signature stamp is the owner~~
15 ~~of the stamp.~~

16 ~~(f) A person shall not use a signature stamp on a ballot, or to~~
17 ~~obtain a ballot, in any local, state, or federal election unless the~~
18 ~~person has registered the signature stamp with the Secretary of~~
19 ~~State.~~

20 *(c) An authorized user of a signature stamp may use it to affix*
21 *a signature to a document or writing any time that a signature is*
22 *required by this code, provided that all of the following conditions,*
23 *as applicable, are met:*

24 *(1) A signature stamp used to obtain a ballot or absentee ballot*
25 *in any local, state, or federal election (A) shall be used only by*
26 *the authorized user of that signature stamp, and (B) shall be*
27 *registered with the Secretary of State.*

28 *(2) A signature stamp shall be affixed by the authorized user in*
29 *the presence of the Secretary of State, his or her designee, the local*
30 *elections official, or his or her designee, to obtain a ballot, in any*
31 *local, state, or federal election unless the authorized user of the*
32 *signature stamp votes by absentee ballot. If the owner of a*
33 *signature stamp votes by absentee ballot, he or she shall affix the*
34 *signature stamp on the absentee ballot in accordance with the*
35 *requirements of Section 3019.*

36 *(d) A signature affixed with a signature stamp by an authorized*
37 *user in accordance with the requirements of this section shall be*
38 *treated in the same manner as a signature made in writing.*

39 *(e) (1) The Secretary of State shall develop a registry for*
40 *signature stamps that are authorized for use on a ballot or absentee*

1 ballot or to obtain a ballot or absentee ballot in a local, state, or
2 federal election pursuant to this section.

3 (2) The Secretary of State shall adopt regulations relating to
4 the registration and verification of signature stamps and the use
5 of signature stamps on ballots and absentee ballots. In adopting
6 these regulations, the Secretary of State shall ensure that the owner
7 or an authorized user of a signature stamp shall only be required
8 to present valid identification in any form listed in subdivision (d)
9 of Section 20107 of Title 2 of the California Code of Regulations,
10 and that no additional verification of identification by an owner
11 or authorized user of a signature stamp is required that is not also
12 imposed on a voter using a written signature.

13 ~~(g)~~

14 (f) The following definitions apply for purposes of this section:

15 (1) “Authorized user” means either of the following:

16 (A) A person with a disability who, by reason of that disability,
17 is unable to write and who owns a signature stamp.

18 (B) A person using the signature stamp on behalf of the owner
19 of the stamp with the owner’s express consent and in the presence
20 of the owner.

21 (2) “Disability” means a medical condition, mental disability,
22 or physical disability, as those terms are defined in subdivisions
23 (h), (i), and (k) of Section 12926 of the Government Code.

24 ~~(3) “Identification” means any form of identification listed in~~
25 ~~paragraph (1) of subdivision (d) of Section 20107 of Title 2 of the~~
26 ~~California Code of Regulations.~~

27 ~~(4)~~

28 (3) “Signature stamp” means a stamp that contains the
29 impression of any of the following:

30 (A) The actual signature of a person with a disability.

31 (B) A mark or symbol that is adopted by the person with the
32 disability.

33 (C) A signature of the name of a person with a disability that is
34 made by another person and is adopted by the person with the
35 disability.